

X-1419 US

10/659,973



PATENT

Conf. No. 5050

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Eric D. Groen et al.

Assignee: Xilinx, Inc.

Title: A PROGRAMMABLE SERIALIZING DATA PATH

Serial No.: 10/659,973

File Date: 09/11/2003

Examiner: Patrick G. Wamsley

Art Unit: 2819

Docket No.: X-1419 US

Conf. No.: 5050

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MAIL STOP AMENDMENT  
COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, VA 22313-1450

RESPONSE TO RESTRICTION

Dear Sir:

This Response and Election is filed herewith in response to the Restriction dated March 21, 2005, which is set to expire on April 21, 2005.

It was stated in the Office Action that the application contains the following patentable distinct species:

A programmable serializing data path species, depicted in Figure 4, readable upon claims 1-8.

A programmable logic device species, depicted in Figure 1, readable upon claims 9-16.

A serializing method species, depicted in Figure 11, readable upon claims 17-22. As best understood, the "data paths" and "programmable logic devices" recited in claims 23-31 are drawn to this species, not the species shown in Figures 1 and 4.

A programmable timing circuit species readable upon claims 35-37. This species should be illustrated by a figure, but currently is not shown.

Office Action at p. 2. It was further stated that currently no claim appears generic. Accordingly, the invention was restricted to the above-identified patentable distinct species.

Applicants provisionally elect the programmable serializing data path species corresponding to Figure 4 with traverse. Applicants believe that claims 1-8 and 35-37 are readable upon Figure 4, which corresponds to Applicants' election. The elected claims include independent claim 1, dependent claims 2-8, independent claim 35, and dependent claims 36-37 which are readable on Figure 4. Applicants withdraw claims 9-34 from consideration. A listing of all claims indicating the provisional election and withdrawal is attached hereto.

Applicants traverse the restriction requirement and respectfully submit that claims 1-8 are generic to claims 9-16, which are readable upon Figures 1-4 of the application. Therefore, Applicants believe the requirement is improper, and respectfully request withdrawal of the requirement and examination of claims 1-16 and 35-37. In the alternative, upon allowance of generic claims 1-8, Applicants request consideration of additional species of the allowed generic claims as provided by 37 CFR 1.141.

Applicants respectfully submit that this election should not be interpreted or construed as a limitation on the breadth and scope of elected and non-elected claims, but is merely a sufficient response to the restriction requirement.

#### Drawings

The Examiner objected to the drawings for certain informalities. In particular, the Examiner listed informalities relating to Figures 1, 2, 4, 7, and 10. Applicants thank the Examiner for his careful review of the drawings. However, there appears to be a discrepancy between the drawings as filed by Applicants and the reproductions provided to the Examiner, and Applicants believe that no such informalities appear in the original drawings as filed.

Applicant acknowledges with appreciation the courtesy of a telephone interview extended to Applicants' attorney, Justin Liu, on April 1, 2005. During the interview, no exhibit was shown and no demonstration was conducted. The drawings of the present application were discussed. It was agreed that Applicants would re-submit copies of the original drawings as filed, and the Examiner would review the copies and verify that no informalities exist with respect to the original drawings.

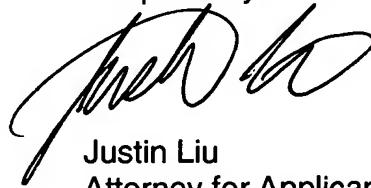
Therefore, Applicants submit herewith copies of Figures 1, 2, 4, 7, and 10, as each of those figures was originally presented, and respectfully requests the Examiner review the drawings and withdraw the objections to the drawings.

A listing of the claims in the present application is appended hereto.

The Commissioner is hereby authorized to charge any fees which may be required or credit any overpayment to deposit account 24-0040.

Should the Examiner have any further comments and suggestions, it respectfully requested that the Examiner telephone the undersigned in order to expeditiously resolve any outstanding issues.

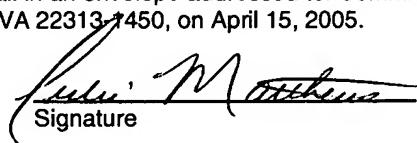
Respectfully submitted,



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I hereby certify that this correspondence is being deposited with the United States Postal Service as first-class mail in an envelope addressed to: Commissioner for Patents, P.O. BOX 1450, Alexandria, VA 22313-1450, on April 15, 2005.

Julie Matthews  
Name

  
Signature